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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,877	10/26/2001	Gregory Owen Miller	9DDW19324CIP	1751
23465	7590 10/16/2002			
JOHN S. BEULICK			EXAMINER	
C/O ARMSTRONG TEASDALE, LLP			LUGO, CARLOS	
SUITE 2600	POLITAN SQUARE	<u> </u>		
ST LOUIS, MO 63102-2740			ART UNIT	PAPER NUMBER
J. 20010, 11.			3677	
			DATE MAILED: 10/16/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		09/682,877	MILLER ET AL.		
		Examiner	Art Unit		
		Carlos Lugo	3677		
Period fo	The MAILING DATE of this communication or Reply	appears on the cover sheet with t	he correspondence address		
I HE - Exte after - If the - If NO - Failu - Any	ORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATIO nsions of time may be available under the provisions of 37 CFF SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per tree to reply within the set or extended period for reply will, by streeply received by the Office later than three months after the med patent term adjustment. See 37 CFR 1.704(b).	N. R. 1.136(a). In no event, however, may a reply to reply within the statutory minimum of thirty (30) ited will apply and will expire SIX (6) MONTHS to the course the application to become ABAND.	oe timely filed) days will be considered timely. from the mailing date of this communication. ONED (25.11.5.0.5.12.2)		
	Popopopojus to communication (a) 51 ad an e	10.0 . / . /			
1)[\]	Responsive to communication(s) filed on 1				
2a)	·—	This action is non-final.			
3) Disposit	Since this application is in condition for all closed in accordance with the practice und ion of Claims	owance except for formal matters er <i>Ex parte Quayle</i> , 1935 C.D. 1	s, prosecution as to the merits is 1, 453 O.G. 213.		
4)🖂	Claim(s) 1-19 is/are pending in the applicat	ion.			
4a) Of the above claim(s) is/are withdrawn from consideration.					
	Claim(s) is/are allowed.				
6)⊠	Claim(s) 1-19 is/are rejected.				
7)	Claim(s) is/are objected to.				
8)□	Claim(s) are subject to restriction and	d/or election requirement.			
	on Papers	•			
9)🖾	The specification is objected to by the Exam	ner.			
10) 🔲	Γhe drawing(s) filed on is/are: a)□ ac	cepted or b) objected to by the E	examiner.		
	Applicant may not request that any objection to				
11)🛛 .	The proposed drawing correction filed on <u>18</u>	<u>September 2002</u> is: a)⊠ approv	ed b)⊡ disapproved by the Examiner.		
	If approved, corrected drawings are required in				
12) 🔲 ¯	Γhe oath or declaration is objected to by the	Examiner.			
Priority u	nder 35 U.S.C. §§ 119 and 120				
13)[Acknowledgment is made of a claim for fore	ign priority under 35 U.S.C. § 119	9(a)-(d) or (f).		
a)[☐ All b)☐ Some * c)☐ None of:				
	1. Certified copies of the priority docume	ents have been received.			
	2. Certified copies of the priority docume	ents have been received in Applic	ation No		
* S	 Copies of the certified copies of the period application from the International ee the attached detailed Office action for a life. 	Bureau (PCT Rule 17.2(a))	•		
	cknowledgment is made of a claim for dome				
, a	☐ The translation of the foreign language packnowledgment is made of a claim for dome	provisional application has been i	received.		
Attachment					
2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s	5) Notice of Inform	nary (PTO-413) Paper No(s) nal Patent Application (PTO-152)		
S. Patent and Tr TO-326 (Re		Action Summary	Part of Paper No. 10		

Art Unit: 3677

DETAILED ACTION

 This Office Action is in response to applicant's amendment filled on September 18, 2002.

Specification

- 2. The specification is objected to because of the following informalities:
 - Abstract Line 3, change "said" as --the--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
- 4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first direction". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 2,948,560 to Rop in view of US Pat No 4,776,620 to Marks et al (Marks).

Art Unit: 3677

Regarding claims 1,6,7,11 and 19, Rop discloses a latch assembly comprising a handle (20) pivotally mounted to a door for rotation about a first end (axis 21 at an end of the handle).

A latch actuator (14) is in contact relation with the handle and mounted to the door for rotation about an end (axis 15 at an end of the latch).

The handle rotates in a first direction and the actuator rotates in a second direction opposed to the first one.

A keeper (11) is engaged to a door retainer projection (16) in a closed position. The actuator is configured to disengage the keeper from the door retainer projection when the handle is actuated.

However, Rop fails to disclose that the keeper is resilient and that the latch assembly is used in a dishwasher. Rop discloses that the latch actuator is resilient and the keeper rigid and that the latch mechanism is for a refrigerator, but could be used for other applications (Col. 1 Lines 19-23).

Marks teach a similar latch mechanism for a dishwasher that has a resilient keeper (60) and a rigid actuator.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a resilient keeper and a rigid actuator in a dishwasher latch assembly, as taught by Marks, into a latching device as described by Rop, because it will be consider as a design consideration that will not affect the fact of engaging the keeper to the actuator.

Art Unit: 3677

As to claim 2, Rop illustrates that the handle comprises an actuator portion in sliding engagement with the latch actuator (the portion at the end of the handle).

As to claim 3, Rop illustrates that the handle further comprises a closed handle stop (the end of the handle near the pivot 21).

As to claim 4, Rop discloses that the handle rotates about a first longitudinal axis (21) and the actuator rotates about a second longitudinal axis (15).

As to claims 5 and 9, Rop illustrates that the handle and the actuator are placed on a housing or bracket.

As to claim 8, Rop discloses that the latch actuator comprises a keeper engagement surface (16) wherein the keeper engagement surface disengages the keeper from the door retainer projection as the latch handle is rotated.

As to claim 10, Rop illustrates that the latch handle comprises a substantially rounded engagement portion (at the end of the handle 20) in contact with the latch actuator.

As to claim 12, Rop illustrates that the latch handle comprises an actuator portion (at the end of the handle 20) in contact with the latch actuator.

As to claim 13, Rop illustrates that the handle and the actuator are placed on a housing or bracket.

As to claim 14, Rop illustrates that the latch actuator (14) comprises a substantially flat plate.

As to claim 15, Rop illustrates that the latch handle further comprises a closed handle stop (the end of the handle near the pivot 21).

Art Unit: 3677

As to claim 16, Rop discloses a door assembly comprising an escutcheon. A latch handle (20) is pivotally mounted to the escutcheon about a first a first longitudinal axis (21). A latch actuator (14) is pivotally mounted to the escutcheon about a second longitudinal axis (15). The handle rotates in a first direction and the actuator rotates in a second direction opposed to the first one.

As to claim 17, Rop discloses that the escutcheon includes a latch portion (16). Rop illustrates that the latch handle further comprises a closed handle stop (the end of the handle near the pivot 21).

As to claim 18, Rop illustrates that the latch actuator (14) comprises a substantially flat plate.

Response to Arguments

7. Applicant's arguments filed September 18, 2002 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Rop fails to disclose, "a handle pivotally mounted to the door about a first end and a latch contacting the handle and mounted to the door for rotation about a second end", Rop disclose the invention as claimed.

Rop discloses that the handle is pivotally mounted to the door about a first end (an end of the handle) and a latch contacting the handle and mounted to the door for rotation about a second end (an end of the latch).

As to applicant's arguments regarding that the handle rotates in one direction and the latch in a direction opposed to the handle rotation, Rop illustrates it in Figure

Art Unit: 3677

Page 6

As to applicant's arguments regarding that the keeper is a resilient keeper, Marks

teaches a resilient keeper.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carlos Lugo. The examiner phone number is (703)-

305-9747. The fax number for correspondence before a final action is (703)-872-

9326 and the fax number for correspondence after final action is (703)-872-9327.

The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can

normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the

examiner is not available, please leave a message, including the application number

and the examiner will answer the message as soon as possible.

October 7, 2002

ROBERT J. SANDY

PRIMARY EXAMINE!